

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

THE ESTATE OF WINIFRED KLEE, :	:	
KELLY KLEE-MEDICI,	:	
Administratrix, and KELLY	:	CIVIL ACTION NO. 3:18-1961
KLEE-MEDICI and KIMBERLY	:	
KLEE-RODRIGUES, as Individual	:	(JUDGE MANNION)
Heirs to the Estate of Winifred	:	
Klee,	:	
 Plaintiffs	:	
 v.	:	
 THE CITY OF SCRANTON and	:	
PATRICK HINTON,	:	
 Defendants	:	

ORDER

In accordance with the memorandum issued this same day, **IT IS**
HEREBY ORDERED THAT:

the defendants' motion to dismiss (**Doc. 7**) is **GRANTED IN PART**
AND DENIED IN PART. The motion is **GRANTED** as to the
municipal liability claim against the City of Scranton and the
request for punitive damages against the City of Scranton and
defendant Hinton in his official capacity. The motion is **DENIED**
with respect to the plaintiffs' Fourth and Fourteenth Amendment
claims against defendant Hinton in his individual capacity; to the
extent the defendants argue that the plaintiffs' claims are barred

by the Political Subdivision Tort Claims Act; and to the extent the defendants argue that defendant Hinton is entitled to qualified immunity.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: September 30, 2019

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